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JUL 13 2009

In re Application of Henkel et al. :
Application No. 10/599,812 :
Filing Date: October 10, 2006 :
Attorney Docket No. 9771-015US :

OFFICE OF PETITIONS
Decision on Petition

This is a decision on the petition under 37 CFR 1.137(a), filed June 24, 2009, to revive the above-identified application.

The petition is **granted**.

The Office mailed a non-final Office action on March 18, 2008. The Office did not receive a reply to the Office action. As a result, the application became abandoned on June 19, 2008. A Notice of Abandonment was mailed on October 16, 2008.

Petitioner requests the application be revived pursuant to 37 CFR 1.137(a).

A grantable petition under 37 CFR 1.137(a) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable, and
- (4) A terminal disclaimer and fee *if* the application was filed on or before June 8, 1995 or *if* the application is a design application.

A reply to the outstanding non-final Office action was filed January 21, 2009. The petition fee of \$540 was paid January 21, 2009. The instant petition includes a showing demonstrating the delay was unavoidable.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(a).

Technology Center Art Unit 2836 will be informed of the instant decision and the application, including the amendment filed January 21, 2009, will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'Charles Brantley', with a stylized flourish at the end.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions